

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

CV 14-1061 RB/WPL
CR 11-1385 RB

RAUL ROGER ORONA, JR.,

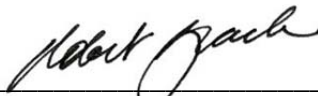
Defendant/Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD), filed October 22, 2015. (CV Doc. 25; CR Doc. 144.) The parties were notified that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) Orona's amended motion under 28 U.S.C. § 2255 (CV Doc. 19; CR Doc. 140) is granted with respect to his claim under *Johnson v. United States*, --- U.S. ---, 135 S. Ct. 2251, 2563 (2015);
- 3) the Court will order a new Presentence Report;
- 4) this case will be set for resentencing in a forthcoming Order; and
- 5) the Court reserves ruling on Orona's ineffective assistance claim.


UNITED STATES DISTRICT JUDGE